

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KIMBERLY ANN JOHNSON,

Plaintiff,

v.

ALBERTSONS, LLC,

Defendant.

Case No. 2:18-CV-01678-RAJ

**ORDER GRANTING MOTION
FOR RECONSIDERATION**

This matter is before the Court on Defendant’s motion for reconsideration. Dkt. # 78. For the following reasons, the Court **GRANTS** the motion.

I. DISCUSSION

Motions for reconsideration are disfavored and will be granted only upon a “showing of manifest error in the prior ruling” or “new facts or legal authority which could not have been brought to [the court’s] attention earlier with reasonable diligence.” Local R. W.D. Wash. (“LCR”) 7(h)(1). Here, Defendant requests the Court reconsider its order excluding the testimony of Defendant’s proposed witness, Rebecca Dean, regarding the findings of her investigation into Plaintiff’s claims of gender discrimination. Dkt. #

1 78. Specifically, Defendant argues that the Court's decision limits Albertsons' ability to
2 defend against Plaintiff's claim for punitive damages. Dkt. # 78 at 2. Defendant also
3 offers a proposed limiting jury instruction that, it argues, will appropriately cure any
4 potential prejudicial impact of Ms. Dean's testimony. Dkt. # 78 at 2.

5 After reconsideration, the Court finds that a limiting jury instruction, if read
6 immediately preceding Ms. Dean's testimony, will be sufficient to mitigate any potential
7 prejudicial effect to Plaintiff. Accordingly, the Court will permit Ms. Dean to testify
8 regarding the fact that she performed an investigation, her ultimate findings, and any
9 steps that she took upon completing her investigation. The Court will separately issue a
10 limiting jury instruction that will be read to the jury immediately preceding Ms. Dean's
11 testimony.

12 II. CONCLUSION

13 For the reasons stated above, the Court **GRANTS** Defendant's motion for
14 reconsideration. Dkt. # 78.

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16 DATED this 26th day of February, 2020.

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19 The Honorable Richard A. Jones
20 United States District Judge
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